

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:17-cv-00556-JAK-KES

Date: June 25, 2018

Title: FRANK RUST v. CHINO PRISON HEALTHCARE PROVIDERS, et al.

PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

PROCEEDINGS (IN CHAMBERS): Order DENYING Motion for Default Judgment (Dkt. 60)

On April 9, 2018, the Court issued a Report and Recommendation (“R&R”) recommending that the district judge grant in part and deny in part Defendant’s motion for summary judgment asserting lack of exhaustion under the Prison Litigation Reform Act. (Dkt. 57.)

On April 30, 2018, the Court granted Defendants’ request for an extension of time to object to the R&R, setting the deadline for June 8, 2018. (Dkt. 59.) Defendants did not file any objections before the deadline expired. On June 22, 2018, Plaintiff filed a motion for default judgment against based on Defendants’ failure to object to the R&R. (Dkt. 60.)

IT IS HEREBY ORDERED that Plaintiff’s motion (Dkt. 60) is DENIED. A default judgment may be an appropriate remedy when a defendant who has been served fails to file an answer or otherwise respond to the complaint without cause. It is not, however, a remedy against a party who fails to object to an R&R, because no one is required to file objections to an R&R.

The R&R is currently under consideration by the assigned district judge. After his decision, this Court will enter further orders, as appropriate, setting case management deadlines.

Initials of Deputy Clerk JD